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Letter dated 28 July 2008 from the Secretary-General addressed to the President of the Security Council

I am writing in response to your letter dated 3 July 2008 in which you transmitted to me identical letters dated 10 June 2008 from the President of the Security Council addressed to the Prime Minister of Ethiopia, Meles Zenawi, and the President of Eritrea, Isaias Afwerki, seeking their views on options for future United Nations engagement in their countries. Together with those letters, you also forwarded their responses dated 17 and 18 June 2008.

On the basis of the second paragraph of your letter of 3 July 2008, I asked the Secretariat to consult with the parties in connection with the aforementioned responses. I am pleased to report on the Secretariat's consultations with the parties, which were based on the following options: (a) a small military observer mission in Ethiopia; (b) a small political and military liaison office in Ethiopia; and (c) a Special Envoy of the Secretary-General based in New York.

All options were designed as conflict prevention measures aimed to demonstrate the continued commitment of the international community to a peaceful resolution of the border dispute between Ethiopia and Eritrea, pending the establishment of an environment conducive to the normalization of relations between the two countries. The options also took into consideration the positions expressed by the two Governments respectively in their letters to the Security Council dated 17 and 18 June 2008.

On 22 July 2008, my Acting Special Representative for Ethiopia and Eritrea and Head of the United Nations Mission in Ethiopia and Eritrea (UNMEE) consulted the Government of Ethiopia on these options. Following those consultations, on 24 July 2008, the Minister for Foreign Affairs of Ethiopia addressed a letter to me outlining the position of Ethiopia on the matter. A copy of the letter is attached (annex I).

Also on 22 July 2008, the Assistant Secretary-General for Peacekeeping Operations met with the Permanent Representative of Eritrea to the United Nations to seek the views of his Government on the above-mentioned options. Following that meeting, on 24 July 2008, the Permanent Representative of Eritrea addressed a letter to me indicating the views of the Government of Eritrea on the matter. A copy of the letter is also attached (annex II).

As indicated in their letters, both parties have rejected the options put before them. I welcome their earlier declarations that they have no intention of restarting

the war. Nevertheless, I believe that the risk of escalation of tension in the border area and a resumption of hostilities, by accident or design, following the withdrawal of UNMEE remains a reality. I also remain concerned over the destabilizing effect for the Horn of Africa of the continuing crisis, as well as the negative impact it has on prospects for economic development and the welfare of the people of the region.

I welcome the engagement of the Security Council with the two parties over recent months. This has provided a fresh impetus to the process and, it is to be hoped, could lead to the fulfilment of the Council's responsibilities vis-à-vis the Algiers Agreements. The Security Council should keep this issue on its agenda and remain fully engaged with the two parties, with the view to addressing the underlying legal, political and security issues at the core of the crisis, including the implementation of the decisions of the Eritrea-Ethiopia Boundary Commission, in accordance with the Algiers Agreements.

For my part, I intend to continue working closely with both parties through my good offices, which remain available, with the view to assisting them in normalizing their relations, which is crucial to maintaining peace and security in the subregion.

(*Signed*) **Ban** Ki-moon

Annex I

Letter dated 24 July 2008 from the Minister for Foreign Affairs of Ethiopia addressed to the Secretary-General

I wish to refer you to the meeting on 7 July 2008 that you had with my Prime Minister at Yokohama, Japan. I wish also to refer to the subsequent communications that we have had with the United Nations here in Addis as well as in New York concerning the situation between Ethiopia and Eritrea, most particularly regarding the possibility of a United Nations presence in our region in the post-UNMEE period.

In this regard, we have had the opportunity to look at the United Nations aide-memoire which was made available to us containing three proposals. You may have already been informed about the difficulty we have to accept the first two proposals for reasons that we have already explained both in New York and in Addis Ababa. After further deliberation, we have also now come to the conclusion that the idea of a Special Envoy may not also be practical, or desirable. The idea is not practical because, as should have been clear to the United Nations already, the other party, Eritrea, has never accepted the notion of a Special Envoy and is unlikely to change its mind now. It is not desirable because, in our view, such a course of action is bound to be an ineffective substitute for measures that should have been taken by the Security Council to protect UNMEE, to defend the integrity of the Temporary Security Zone and ensure respect for the Agreement on Cessation of Hostilities.

Under these circumstances, it is with regret that we decided to inform you that, given the unique nature of the challenge we face, the designation of a Special Envoy at this juncture may not be an appropriate action to take. Ethiopia sees no reason for endorsing the proposal.

I shall be most grateful to discuss the matter with you further during the upcoming session of the General Assembly.

(*Signed*) Seyoum **Mesfin**
Minister

Annex II

Letter dated 24 July 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General*

I have taken note of the aide-memoire, dated 22 July 2008, presented by the Department of Peacekeeping Operations of the Secretariat, detailing options on "how the United Nations could most effectively support [Eritrea and Ethiopia] in implementing fully the Algiers Agreements".

From the outset, I wish to emphasize that the only effective support the United Nations, in particular the Security Council, could give is to lend its full support to the impartial and independent arbitration body, the Eritrea-Ethiopia Boundary Commission, and its demarcation decision of 27 November 2007. Indeed, in accordance with the provisions of Articles 2 (3) and 2 (4) of the Charter of the United Nations and article 4 (15) of the Algiers Agreement, it behoves the Security Council to ensure the respect of the sovereignty and territorial integrity of a United Nations Member State.

Sadly, the different options presented previously and more or less repeated in the Department of Peacekeeping Operations' aide-memoire of 22 July totally shun this cardinal matter. The gist and entire focus of the options appear to be geared to prevent a presumed resumption of hostilities through a permanent presence of a United Nations observer force, in effect legitimizing Ethiopia's illegal occupation of sovereign Eritrean territories. The notion of a United Nations special envoy at this late stage of the process further accommodates Ethiopia's persistent request for an alternative mechanism to tamper with and modify the delimitation and demarcation determinations of the Eritrea-Ethiopia Boundary Commission. The Security Council clearly cannot entertain or indulge in this grave breach of the Algiers Agreement.

Eritrea cannot accept this state of affairs for all the cogent reasons cited above. Eritrea will have no problem in restoring good-neighbourly relations with Ethiopia. We are neighbours destined to live together and in harmony with the people of Ethiopia. We do not wish to live in permanent tension or under a tenuous peace that is maintained and monitored by a third force.

For this to happen, Ethiopia must withdraw its troops from sovereign Eritrean territories. Ethiopia's illegal occupation of Eritrean territories in violation of the Charter of the United Nations and the Algiers Agreement is the real obstacle that remains to be addressed. Eritrea expects and calls on the United Nations institutions to channel their efforts towards addressing this cardinal obstacle.

I should be most grateful if this letter and the letter from the President of the Eritrea-Ethiopia Boundary Commission (see enclosure) could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

* Previously circulated under the symbol S/2008/487.

Enclosure

Letter dated 18 June 2008 from the President of the Eritrea-Ethiopia Boundary Commission to the Agent for the Government of Eritrea

Winding up of the operations of the Commission

It is now over six months since the expiry of the period which the Commission indicated in its Statement of 27 November 2006 and during which the Commission had hoped that the Parties would either themselves proceed to the placing of pillars on the ground or allow the Commission to do so. As there has been no communication from the Parties, the Commission must now reach the conclusion that the boundary stands demarcated in accordance with the coordinates annexed to that Statement, that no further activity on its part is called for and that it should therefore take the few final steps involved in winding up its operations. These include the return of physical assets to the United Nations and the preparation of final accounts.

If I do not hear from you to the contrary within the next two weeks I will take it that you see no objection to this procedure.

(*Signed*) Eli **Lauterpacht**
President